

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)	
)	
LANNY DENE DIEL,)	Case No. 00-10618
CHRISTINE DAWN DIEL,)	Chapter 7
)	
Debtors.)	
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)	
FARMERS STATE BANK - HARDTNER,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 00-5145
)	
LANNY DENE DIEL,)	
CHRISTINE DAWN DIEL,)	
)	
)	
Defendant.)	
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JUDGMENT ON DECISION

This matter came before the Court for evidentiary hearing on April 2, 2002 on Farmers State Bank of Hardtner's Complaint to Determine Dischargeability of Debt. In its complaint, Farmers State Bank sought to have Diel's debt excepted from discharge under 11 U.S.C. §523(a)(2)¹ for making false financial statements and under § 523(a)(6) for willful and malicious injury to the Bank's property. In addition, Farmers State Bank sought to have Diel's discharge denied alleging that Diel defrauded the bank under §727(a)(2), concealed and falsified recorded information from which his financial condition or business transactions might be ascertained under

¹All statutory references are to the Bankruptcy Code, Title 11, United States Code, unless otherwise noted.

§ 727(a)(3), and that Diel knowingly and fraudulently made a false oath or account in connection with his case under § 727(a)(4). At the conclusion of its evidence, Farmers State Bank withdrew its § 727 objections to discharge. The Court is therefore concerned with whether Farmers State Bank's debt should be excepted from discharge under §§ 523(a)(2)(A) and (a)(6). After careful review of the record and relevant law, the Court finds that Diel's debt to Farmers State Bank is excepted in the amount of \$8,409.65, the sum of the Boevers checks as funds obtained by actual fraud.

IT IS THEREFORE ORDERED THAT the amount of \$8,409.65, the sum of the Boevers checks as funds obtained by actual fraud is excepted from debtor's discharge.

IT IS SO ORDERED.

Dated this 16th day of May, 2002.

ROBERT E. NUGENT, BANKRUPTCY JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the **Judgment on Decision** were deposited in the United States mail, postage prepaid on this 16th day of May, 2002, to the following:

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